

Montana and the sky



Department of Transportation - Aeronautics Division

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Hector Tapped for Board

By: Debbie Alke
Administrative Officer

Governor Marc Racicot announced the appointment of Robert M. (Bob) Hector to the Aeronautics Board effective May 4. He is the airline industry representative and will serve until January 1995, completing the term of George Teslovick who recently resigned.

Bob joined Delta Air Lines in 1970 in Detroit. He has held a variety of marketing positions with Delta and was promoted to District Marketing Manager for Montana in January 1991. His responsibilities include all aspects of marketing in the state.

Bob graduated from Hamline University with a B.A. in economics. He was an honor graduate of officer candidate school and upon his commission as 2nd Lt., served as aide-de-camp to the Commanding General of the U.S. Army in Japan.

He is active in the Billings Rotary and serves on the board of the Northern Rocky Mountain Winter Games based in Billings.

Bob and his wife Priscilla have one daughter.



Winners of 1993 Aviation Art Contest Announced

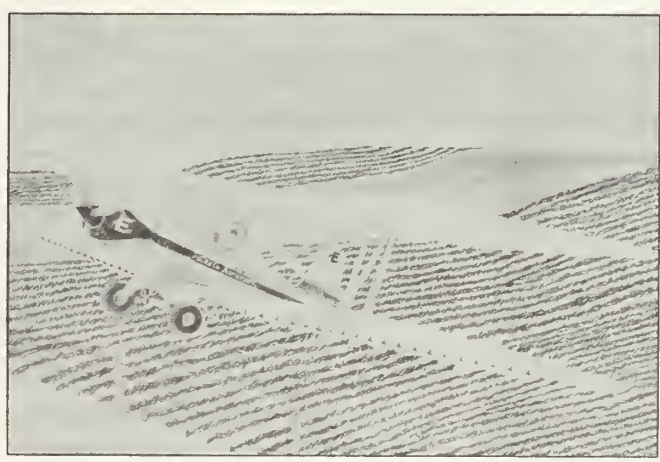
By: Debbie Alke
Administrative Officer

The winners of the 1993 Aeronautics Division Aviation Awareness Art contest have been announced. The winners were honored during an awards ceremony in Helena last month in which Governor Marc Racicot and Gordon Brandes, Northwest Airlines participated.

Category III winners for students grades 9 - 12 were:
1st place-Brian Biggerstaff, Stanford; 2nd place-Jackson Leddy, Kalispell; 3rd place-Eddy Koss, Helena.

As winner in the senior category, Brian is the recipient of an all expense paid trip to the EAA Air Academy in Oshkosh, Wisconsin. Brian's tuition to the Academy is

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Brian Biggerstaff is pictured with Gordon Brandes, Northwest Airlines, and Governor Marc Racicot. Brian's winning drawing—a biplane emerging from the silhouette-softening brightness of the sun, that rapidly advances across a field at crop-top level.

Administrator's Column

More Devastating GA Fees Proposed: The FAA has decided that they are now going to charge: 1) Designated pilot and written test examiners for mandatory recurrent training seminars conducted by the FAA. It wasn't too many years ago that the FAA provided these services (free) themselves but because of workload found it more beneficial to delegate private sector people to provide them for a fee. I have had designated examiners tell me that because of all of the FAA bureaucratic red tape they have to comply with, it's hardly worth the effort and now with the extra cost, I fear that some will just say, "we've had enough" and I've already had one tell me exactly that! In any case it will end up costing the already overburdened pilot more money. 2) All pilots for using their much touted Direct User Access Terminal System (DUATS) by discontinuing the 800 number and replacing it with a 900 charge number. I agree that many pilots would stop using this service, not only because of the unjust cost but because many places block 900 numbers. The FAA says that the cost of DUATS is about \$2.50 per transaction which is included in their five year \$50 million contract with private vendors. A Flight Service Station briefing costs the FAA about \$9.50 each. Eight states (including Montana) have provided a different and much more state of the art satellite system which we believe to be quicker, more user-friendly, and far less expensive. The FAA reports that their DUATS had four million transactions nationwide in 1992 while one state alone, Wisconsin, had 2.8 million transactions and their satellite Weather-Mation costs are less than ten (10¢) per transaction while offering more basic services such as flight planning and color weather radar. DUATS charges extra for these services. The states feel that if the FAA should drop the expensive DUATS that they should fund the states with a small portion of that savings to expand the states satellite Weather-Mation systems. I fully expect that the FAA has other cost recovery items on a hidden agenda as well. BUT THERE IS MORE and it's not the FAA but the US House of Representatives recently approved a modified version of the administration proposed \$300 annual aircraft registration fee which will now be based on weight (not age or value) beginning at \$40 for aircraft weighing less than 3500 pounds and escalating up to \$2,000 for aircraft weighing greater than 100,000 pounds; a \$200 fee for each aircraft title transfer; a \$500 annual fee for medical examiners; a \$12 fee to airman certificate renewal every three years; a \$7.50 fee for each major repair/alteration of fuel tank/systems. And get this—the money collected (about \$211 million) will go into the aviation trust fund which already has a balance of over \$15 billion of which only about half is committed. Although, (if successful), it's good that this money will go into the aviation trust fund, it will not help the touted deficit reduction one penny! SO WHY THE BIG CHARADE? AND WHY THE DISCRIMINATION AGAINST GENERAL AVIATION? WHY AREN'T THEY PROPOSING THE IDENTICAL FEDERAL FEES FOR SURFACE VEHICLES? This legislation is now in the U.S. Senate so if you oppose or support these legislative budget proposals you should contact: Senator Max Baucus, 511 Hart Office Building, Washington, DC 20510, (202) 224-2651 or Senator Conrad Burns, 283 Dirksen Bldg., Washington, DC 20510, (202) 224-2644.



Product Liability Bill Introduced: More than 30 congressmen have introduced legislation (H.R. 1910) called "The Fairness in Product Liability Act of 1993" which (if passed) will create federal product liability laws which are uniform. The Act which has about 140 co-sponsors is similar to the Senate version (S-687) introduced by Senators Rockefeller, WV; Gorton, WA; Lieberman, CN; Danforth, MO; and Dodd, CN. HR 1910 would prohibit product liability actions against aircraft or component part manufacturers after 15 years from the time of sale to a customer. Representative Glickman, KS, one of the sponsors of HR 1910 stated that "Product liability directly translates into jobs and financial solvency in my district. More than 70 percent of the jobs in the general aviation industry have been lost over the last 10 years due to liability costs." Such unbelievable court rulings against manufacturers include: Cessna C-195: thousands of dollars to pilot due to crash because of water in a fuel tank after being parked in four days of heavy rain. Pilot failed to check fuel for water. Cessna C-150: \$1 million to a passenger because pilot did

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FAA Administrator Named

By: Debbie Alke
Administrative Officer

Transportation Secretary Frederico Pena chose David R. Hinson as Administrator of the Federal Aviation Administration. Hinson has management experience in both general aviation, aircraft manufacturing and airline operations and is the first civilian to hold the post since 1988.

Hinson, executive vice president for marketing and business development of the Douglas Aircraft Company, was also chairman of Midway Airlines.

He began his civilian aviation career as a pilot with Northwest Airlines in 1958 after three years as a carrier-based fighter pilot in the Navy.

Hinson is a 9,000+ hour Airline Transport Pilot with flight engineer rating. He has been active in airline safety and training issues and has flown 10 types of airliners, ranging from the DC-3 to the jumbo MD-11.

Hinson is a graduate of the University of Washington and the Stanford Graduate School of Business.

Great Falls AFSS Updates Pilot Bulletin

The Great Falls Automated Flight Service Station has updated its Montana Pilot Bulletin. The bulletin contains procedures for accessing the AFSS, as well as updated information on available frequencies and services.

Since last year's edition of the Pilot Bulletin, six FSS's have closed, with services and frequencies transferred to the AFSS.

Due to budget constraints, however, mass mailings to all Montana registered pilots cannot be done. The AFSS will mail quantities to the FBO's in Montana and copy can either be obtained from them or you can contact the AFSS directly to have a copy sent to you. The AFSS can be reached at 1-800-WX-BRIEF (992-7433) or 452-9869.

Aircraft Co-ownership Booklet Available

By: Debbie Alke
Administrative Officer

A new booklet devised to assist members if contemplating setting up a co-ownership agreement for your aircraft is now available.

A Guide To Aircraft Co-Ownership, written by aviation attorney Raymond C. Speciale and AOPA technical specialists, provides a checklist of items to consider, discussion regarding the workings of such an arrangement and answers frequently asked questions.

Also included in the booklet is a sample co-ownership agreement which is free to AOPA members. Non-members can purchase a copy for \$5. To order, call 1-800-USA-AOPA or write AOPA at Department 20A, Aviation Way, Frederick, MD 21701-4798.

Calendar

June 16 - 18—MAAA Antique Air Tour.

June 18 - 19—Edgar G. Obie Airport Dedication, Chinook. 6/18 happy hour, dinner, dance. 6/19 breakfast, dedication at 10:00 am. Camping available. For info, call 357-2429.

June 21 - 28—Aerospace Teacher Workshop, Eastern Montana College, Billings.

June 26 - Plains Annual Fly-in. Call Randy Garrison 826-3605.

July 1 - 4—7th Annual Family Fun Fly-in and Flight Safety Expo, Helena Regional Airport.

July 7 - 11—NW EAA Fly-in, Arlingtong.

July 10 - 11—CAP MT Wing Primary S&R exercise, Red Lodge Airport.

July 12 - 17—Just Plane Fun! Aviation Camp. Rocky Mountain College, Billings. Grades 7-11. Call Erik Anderson 259-5294 or John Cech 657-1040.

July 23—Aeronautics Board Meeting, Yellowstone Airport.

July 16 - 18—Schafer Meadows Work Session.

July 26 - 31—Region 8 Soaring Championships, Livingston. Call Steve Ard 388-6887.

July 29 - August 4—41st Annual EAA Fly-in Convention, Oshkosh, WI.

August 5 - 8—MAAA Fly-in, Three Forks.

August 7—Sheridan County Airport Annual Fly-in. Breakfast served. Safety seminar (wings program) at noon, Sheridan, WY.

August 18 - 20—INAC Convention '93, Helena.

August 28—Kalispell Air Show, Kalispell City Airport.

Sept. 3 - 6—Fly-in, Yellowstone Airport, West Yellowstone.

Sept. 17 - 19—Mountain Search Pilot Clinic, Kalispell.

Feb. 4 - 6, 1994—Flight Instructor Refresher Clinic, Helena.

Feb. 23 - 26, 1994—Montana Aviation Conference, Billings.

funded through donations from the aviation community and organizations collected during the Montana Aviation Conference. The Montana Pilots Association donated \$100 and the Association of Montana Aerial Applicators and the Montana Antique Aircraft Association each donated \$50 in answer to a challenge from the Montana Airport Management Association to match any donation up to \$200.

Brian's round-trip airline ticket is being donated by Northwest Airlines. Brian is a student of Mrs. Hubble, Stanford High School.

Category II winners for students grades 5 - 8 were: 1st place-Wes Hewitt, Great Falls; 2nd place-Kristin Barrick, Billings.

Category I winners for students grades 1 - 4 were: Shannon Gee, Helena; 2nd place-Adam Hewitt, Great Falls; 3rd place-Dustin Harris, Helena.

All three first place winners were flown to Helena, along with their parents, where they were presented awards at a special ceremony conducted by Governor Racicot. Following the awards presentation, tours of the capitol and airport were

conducted before return flights home.

The Aviation Awareness Art Contest is sponsored by the Aeronautics Division to inform students of the many career opportunities in the field of aviation and aerospace. It also serves to broaden students' awareness of the importance of aviation and aerospace to our country's economy.

Many people help make this program a success. Thanks..... Montana educators, stu-

dents and judges for participating; Lisa and Gordon at Northwest Airlines for your continued support and dedication to aviation education; Denney Lynch, Lynch Flying Service, Billings and Mike Strand, Strand Aviation, Kalispell for presenting awards to the second place winners at their school award assemblies; and Patty Kautz at the Aeronautics Division for many hours spent ensuring contest success.



Wes Hewitt with Governor Marc Racicot won in his Category for his depiction "Helicopters"



Shannon Gee accepts her award from Governor Marc Racicot. Shannon's entry was a colorful three dimensional drawing of a hot air balloon.

The Great Liability Lottery

By: John W. Olcott

Reprinted with permission from NBAA Digest

The general aviation community is funding a very inefficient and highly destructive lottery masquerading as consumer protection and known as product liability.

Since the early 1970s, when trial lawyers discovered the lucrative business of convincing juries that general aviation manufacturers have deep pockets and can be forced to pay enormous settlements to their injured clients, the cost of liability claims has risen alarmingly. With consumers paying the bill, questionable suits have been filed and lots of money has flowed from general aviation manufacturing and service organizations to lawyers. Relatively little of the settlements reach the injured parties.

In the United States, manufacture of light training aircraft has all but disappeared, employment in general aviation manufacturing has been cut in half, our nation's lead in light aircraft manufacturing has been lost to France, and unit costs have risen due to diminished production. Parts for older aircraft are difficult to find and very expensive, development in light aircraft has been stifled, and the cost of general aviation has risen significantly.

As interpreted by the courts, product liability applied to general aviation is simply a lottery funded by the general aviation community and promoted by lawyers. Anticipating great winnings, injured parties or their estates buy into the program. And like lotteries everywhere, the biggest beneficiaries are those

promoting the program and selling the tickets. Injured parties collect only about 17 percent of all dollars spent on product liability and usually must wait years for that compensation. Over 80 percent goes to the legal profession according to studies conducted by the General Aviation Manufacturers Association. It's little wonder that the American Trial Lawyers Association, which has one of the best-funded Political Action Committees for influencing Congress, has lobbied so hard to keep product liability reform from receiving a fair review.

While lawyers are the biggest winners in the liability lottery, the biggest loser is the general aviation community. We have lost the entry level training aircraft that stimulate growth of our community and promote interest in general aviation as a business tool. We suffer significantly higher costs of operation. We are forced to pay more for liability insurance and aircraft parts.

Clearly, as applied to general aviation, our nation's present system of product liability is broken. It does a very poor job of satisfying its intended and worthy purpose — to compensate, in a timely manner, innocent parties injured due to the negligence of manufacturers. If product liability is meant to force product improvements, the termination of defective designs and their replacement with better products, it has accomplished the opposite. It has killed incentives to produce light aircraft and perpetuated older designs. On all

counts, our grossly inefficient product liability system has failed.

Congressman Dan Glickman (D-KS) and James V. Hansen (R-UT) have introduced legislation that may bring some semblance of reason to this issue. Rather than hold a manufacturer liable for product defects for as long as its aircraft or components are in service, the Glickman/Hansen Bill would limit liability to a 15-year period following delivery of the aircraft or component to the first purchaser. In the case of component parts, no civil action could be brought more than 15 years after the date of replacement or addition of that component. The basis for the bill is the simple logic that if a product has functioned satisfactorily for 15 years, it has demonstrated that its original design is not defective and therefore not subject to a liability suit.

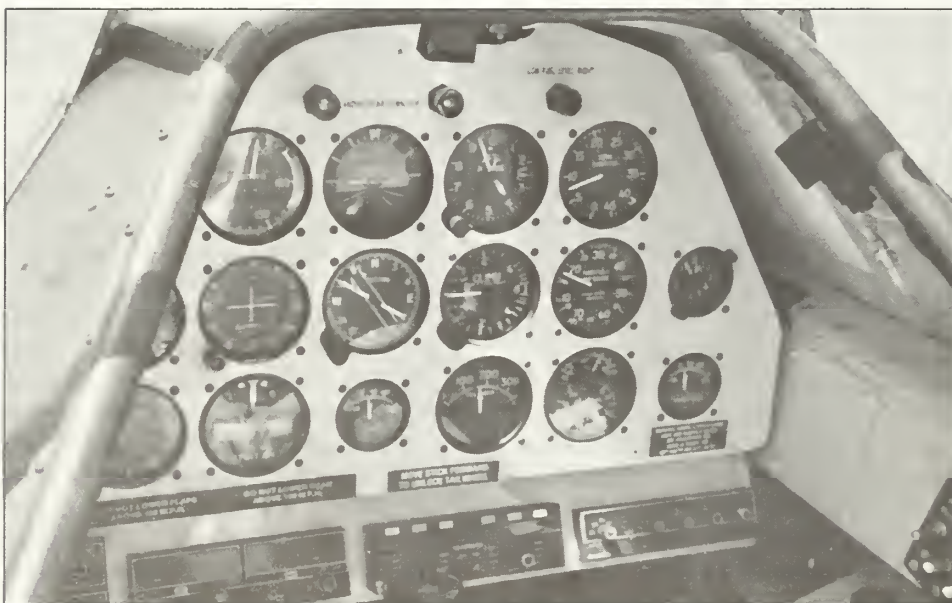
While you could argue that some other period, such as 20 years, might be more appropriate, the concept is sound. Satisfactory service over a long period should be sufficient evidence that the product reflected the existing state-of-the-art technology and that the manufacturer met the legal obligation to provide an appropriate design at the time of delivery.

We strongly urge you to write to your representatives in Congress to tell them what you think, and copy NBAA with your correspondence. Product liability is an expensive lottery. It costs dearly. And it's killing general aviation.

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not pay \$750,000 judgment because he had not notified the insurance company of the accident. Aircraft was overloaded plus a third passenger was on board without a seat or restraint. Cessna & Component manufacturers: \$4.5 million. Drunk C-152 pilot ran out of fuel. Cessna settled for \$50,000. Piper: \$2.4 million. Pilot ran out of fuel on charter flight. Court found FBO and pilot at fault but they didn't have any money so they made Piper pay. Piper & Component manufacturers: \$2.5 million. Modified Super Cub collided with a van deliberately parked on runway to stop take off. Judgment was against Piper because Cub tail wheel design prevents good forward vision on ground. FAA even entered this case on behalf of Piper because of their certification of design back in 30's and Federal pre-emption over states is at risk. The Court disagreed and the U.S. 10th Circuit Court of Appeals denied Piper's request for a full hearing so the next step would be for Piper to go to the Supreme Court. This is an extremely important case for Piper to overturn other-

wise precedent will be set allowing states to implement their own aircraft certification standards and thus pre-empt the Federal government. If this happens our courts will be flooded with more frivolous suits. Unison Industries: \$10,000 to clear their name in a case where their ignition system was not even in the aircraft. Unison Industries: \$20,000 for a portion of case. Pilot departed with large birds nest in engine air intake and crashed injuring passengers. NTSB found pilot in error. Continental Motors: \$107 million. Said to be the largest verdict in GA history. NTSB found no malfunction in aircraft or engine that pilot descended below IFR approach minimums. Plaintiffs attorney convinced jury that NTSB investigation was "basically trash" and that a pre-impact fire in the engine compartment caused the accident. Pilot said nothing about any emergency. These are only a few of the hundreds of unbelievable court cases which point out the desperate need for liability reform in our country.



Paul Yedinak of Ennis stopped by Montana Aeronautics Division to show us his newly completed restoration project. As you can see by these photos, the beautiful aircraft is now in pristine, better- than-new condition.

Congrats Paul on your meticulous professional workmanship. We certainly hope we'll see more of this airplane throughout the fly- in/airshow events in years to come.

Skywest Service Change

Skywest Delta Connection will seasonally discontinue Helena service this summer. Delta will suspend flights in the area beginning June 1 until October 1 when the airline will restore its nonstop Salt Lake City Service.

Discontinuation is due to Delta Air Lines scheduling. Delta is adding a third jet roundtrip which will operate at the same time of Skywest's existing service. Delta's increased service will provide much greater capacity for the peak travel season.

EAA Hosts Aviation Educators' Workshop

Two separate two-credit workshops will be held in conjunction with the 41st annual EAA Fly-In Convention in Oshkosh, WI. Teachers and other educators interested in discovering more about aviation for the classroom are invited to register.

Any person holding at least a bachelor's degree from a four- year college or university are eligible to attend.

For more information call the EAA Aviation Foundation at (414) 426-4888.

Civil Air Patrol Applauded

By: Debbie Alke
Administrative Officer

The AOPA Air Safety Foundation has congratulated the officers and members of the CAP for a major turnaround in flying safety in the USAF Auxiliary's search and rescue organization.

The safety record of the CAP outshined the impressive record of the U.S. Air Force and was better than the total general aviation accident record by five times.

CAP's total accident rate of 1.54 per 100,000 flight hours exceeded the Air Force rate of 1.65 and the overall general aviation rate of 7.14 CAP flew 130,000 hours in 1992.

Risk Assessment and Management

By: Denney L. Bridges
APPM HLN FSDO

All activities that we endeavor to undertake involve risk. The more complex an activity becomes the more opportunity there is for a failure or breakdown, and therefore involves higher risk. The more an activity allows for "outside" influence, the higher the risk. Also, the greater the complexity of an activity, the more highly regulated that activity will tend to be. Aviation would seem to fall into this described hierarchy as a fairly complex, therefore risky activity.

We have been fairly successful in managing the risk associated with flying. We are continually learning from our mistakes as well as the mistakes of others. Our predecessors made mistakes in design, engineering, production, and flight test. All of us in aviation have benefitted from many of their mistakes. They made errors, percentage wise, at a much greater rates than we do. That's why they were known as "pioneers." We should thank those pioneers for the heritage they have left with us.

Here are some accident statistics from the days of the pioneers:

- 1903 first powered flight by the Wright brothers
- 1904 Orville had the first wind shear accident
- 1908 first fatal air crash
- 1910 first mid-air collision
- 1912 first pilot killed by bird strike
- 1913 France has 1,400 military airplanes, Germany has 1,000, Great Britain 400, Russia 800, the United States has 23 military airplanes.
- 1918 The U.S. Airmail Service is founded. The U.S. government operates this service for nine years. The airmail pilot's life expectancy is four years. Thirty one of the first 40 pilots are killed before it is turned over to private industry. A forced landing occurred every 20 hours of flight. In its history, one in every six pilots was killed in a flying accident delivering the mail.

Currently, less than seven accidents (fatal and non-fatal), is occurring per 100,000 flying hours in General Aviation. We have learned a lot from the pioneers- but we can improve our risk assessment and risk management skills even more. It's not a bad legacy to leave to the next generation of aviators.

As pilots, we are taught from our first flying lesson how to manage the risks inherent to flight. We are made aware of a whole range of hazards that can easily be avoided and some that cannot. The system used to verify a pilot's ability to perform the tasks necessary to operate a given aircraft safely is based on that person's risk management skills. We evaluate this skill by developing scenarios in which an individuals' preparation, proficiency, and training are tested and compared to arbitrarily established standards. These scenarios are the certification tests, flight reviews, and proficiency checks that all

pilot's must undergo.

All three of the elements of risk management are closely related, experience driven, and equally important. The portion of risk management that is primarily involved with the assessment of how risky a particular event may be is the preparation phase. Preparation can be broken down into three major categories: mental, physical, and mechanical. Flight begins with each individual assessing his or her mental state. The most convenient method for a non health professional to use is to evaluate our own attitudes. We must decide if we possess an attitude conducive to the safe completion of a planned flight.

The mental aspect of preflight planning should not be overlooked. How well flight planning is accomplished relates to training in many ways. It also reflects one's mental state. At the same time we must determine if our physical condition is appropriate for flight.

The final element in the preparation phase involves the aircraft and its mechanical condition. The actual preflight of the aircraft, specifically the thoroughness of the inspection, and the pilot's ability to assess the observed condition of the aircraft correlate directly to the quality of that individual's training.

Proficiency is often confused with currency. A pilot who is legally current may not be as proficient as necessary for a given flight. The amount of current flying experience required to become proficient is as variable as the skill level of each individual who chooses to fly. Each flight that we begin also offers particular challenges unique to that flight. Therefore, we must realize that the proficiency level necessary to successfully complete a flight varies with the complexities of that flight. A prudent pilot usually makes a subconscious analysis of the proficiency required for a particular flight. Accident prevention could be enhanced if a conscious effort were made to evaluate one's own ability prior to each flight.

The last of the three elements to consider on the subject of risk management is training. When the subject of flight training is being discussed among pilots, the cost of such training usually becomes the focal point. If you think that training is expensive, just wait until you must pay for an accident.

Even with good insurance coverage, accidents are expensive and painful experiences. Training is the least expensive, and in some cases, the only alternative to an accident. Almost all professional pilots receive at least annual proficiency training. The benefit of this training is universally accepted with one important exception- general aviation.

The FAA's Pilot Proficiency Award Program was designed to encourage general aviation pilots to obtain annual training. Pilot's who participate in this program have a lower accident rate than those who do not. Completion of any single phase of the "wings" program also qualifies as a biennial flight review. Training is worth its expense.

FAA Issues Certificates

Private

Dana Ness Rudyard

ATP

Craig Chilcote Missoula

Commercial

Trene Brousseau Whitefish
Dana Ness Rudyard

CFI Renew

Craig Chilcote	Missoula
Daniel Darkenwald	Billings
Phillip Dutton	Glasgow
John Ortman	Whitehall
Doug Parrott	Roundup
David Peters	Bozeman
Betty Williams	Lewistown

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